

**MINUTES OF THE REGULAR MEETING OF THE  
TRINIDAD PLANNING COMMISSION  
WEDNESDAY, APRIL 17, 2019**

**I. CALL TO ORDER/ROLL CALL (6:00 pm)**

Commissioners Present: Graves, Johnson, Stockness, Kelly, Lake  
Commissioner Absent: none  
City Planner Staff: Parker  
City Staff: Zetter, Naffah

**II. APPROVAL OF MINUTES**

*January 16, 2019*

*Motion (Lake/Stockness) to approve as amended at the February meeting. Passed unanimously (5-0).*

*February 20, 2019*

*Motion (Johnson/Kelly) to approve as submitted, Commissioner Lake abstained due to be absent from the meeting. (Passed 4-0-1)*

*March 20, 2019*

Commissioner Johnson requested clarification on a comment made as an item from the floor on page 2 regarding the Reinman hearing. Parker clarified that the member of the public was discussing whether balcony the balconies were constructed as approved.

*Motion (Kelly/Lake) to approve minutes as submitted. Passed unanimously (5-0).*

**III. APPROVAL OF AGENDA**

*Motion (Stockness/Lake) to approve the reorganization of the agenda. Passed unanimously (5-0). Rheinschmidt 2019-02 moved to Item V.3.*

**IV. ITEMS FROM THE FLOOR**

Written comments received: Commissioner Kathleen Lake

A. Grau (433 Ewing) stated his statement in the March 2019 minutes was confusing as written. He stated that he previously commented that the Planning Commissioners should go to the property and observe what was being built, in order to confirm if the construction was consistent with the approval. He stated that some residents were

concerned that the coverings/balconies could be turned into rooms. Grau stated that he recommends that the minutes list the person's name followed by "stated."

Commissioner Stockness responded that Planning Commissioners should observe the project. Parker advised that Commissioner Stockness can review the building plans.

## V. AGENDA ITEMS

1. Van Wycke Bicycle and Pedestrian Connectivity Project: Discussion/Decision on responses to comments and whether to approve the proposed Mitigated Negative Declaration and Initial Study for this project pursuant to the California Environmental Quality Act. *Continued from the March 20, 2019 meeting.*

### *Staff report*

Parker noted the City Engineer is present to provide additional context. She stated there is no new material to present, but there will be other issues, including Coastal Act requirements to address at a later time during the permitting process. She stated the next steps will include a new geotechnical analysis, public outreach, design review, and permitting. She stated there will be more opportunities for the Commission to weigh in on the project and any outstanding issues.

GHD City Engineer, Steve Allen, discussed the history of the project, noting that the trail used to be a road, and he further addressed the utilities. He stated the City needs to evaluate their options, as grant funding is available now; GHD has been working on this project at the behest of the City Council for at least 10 years. He stated GHD explored multiple options. Allen stated the largest issue is funding. He clarified the City went through an initial public process in order to discuss the terms of the Caltrans grant requirements. Allen stated that GHD changed the construction material from pavement to gravel, and the trail has been narrowed. He stated CEQA documents present worst case scenarios.

### *Commissioners Questions/Comments*

Commissioner Stockness confirmed with Allen that GHD has worked alongside Caltrans and applauded all City staff for their hard work. Commissioner Kelly stated ultimately the project needs to be consistent with the original grant application, as there are parameters from which the grant was approved. Kelly questioned if the City has the opportunity to request a smaller project after further studies are completed. City Engineer Allen confirmed that the City will have the opportunity, though certain grant objectives have to be met.

Kelly questioned Parker and Allen's response to the California Coastal Commission's letter opposing the project. Parker stated the letter is not out of the norm and that the letter was intended to address future CDP requirements as much as the CEQA document. She stated one of the next steps in the process will be to meet with CCC staff. Allen stated that GHD was not overly surprised by the letter, and that from GHD's perspective the CCC is not against the project, but instead is providing input; he noted that CCC staff had been involved in the early planning stage.

Commissioner Johnson stated the largest problem is the lack of information, especially regarding design. Commissioner Johnson and Commissioner Graves both questioned the impact on the storm drain and utilities if this project did not move forward.

Allen stated that the phone and cable (dry utilities) can be moved, the water line can also be redirected, but removing the gravity fed storm drain is a larger issue. He stated if the project does not move forward, the slide will continue, and the pipe will likely break causing more erosion. He stated options are limited and the responsibility would fall upon the City if the project does not move forward.

Commissioner Lake stated page 7 of 93 of the CEQA document has incorrect information regarding current trail closure. She states that while the document states the project is a community priority, it was unclear that this would be the outcome. Lake questioned whether all environmental impacts could really be eliminated and suggested the Edwards Street retaining wall should be included in cumulative impacts. Lake stated she is unclear as to why the City did not perform an EIR and that by law the City must work in tandem with the CCC. She further stated that environment impacts cannot be determined without the final project design. Lake read to the Commission and public prepared information regarding court rulings, and CEQA requirements. Lake questioned why GHD is focusing on utilities, as the project is primarily about connectivity.

Parker stated there has not been enough information to show cumulative impacts, as another retaining wall is speculative. Allen stated GHD must consider all utilities where improvements are being made.

Commissioner Graves addressed written comments received from Gottschalk and Duclos, regarding their concern of heavy machinery negatively impacting the area. Allen stated that standard construction practices will be used. He also stated he is more concerned about what will occur if the project is not completed because it is an active slide. Allen stated the project will add stability in the long run.

Commissioner Lake noted the CCC is questioning how the ESHA will be protected if there is no soil left, and whether the City has met tribal obligations, as both the Yurok and Tsurai spoke in opposition to the project. Parker stated the CCC's definition of an ESHA was used, and clarified that if something is disturbed, it will be replanted in a ratio of 3-1, which would include restoring areas currently impacted by invasive species. Allen stated that native soil will be retained and used as top soil and the goal is to re-stabilize the trail. Commissioner Stockness questioned when the CCC was in Trinidad. Parker and Allen confirmed roughly a year and a half ago.

Parker stated the Native American Heritage Commission advised the City has done a good job in consulting with the tribes, and the NAHC confirmed their organization is responsible if remains are found. Parker stated the City had multiple consultations with and all recommendations of the archaeological report were followed. Allen stated that GHD has also been working with tribal entities.

Commissioner Johnson confirmed that the water line that currently parallels the trails has been shut off in case of a break, which affects pressures and fire flows in the neighborhood. Allen confirmed that is correct.

#### *Public Comment*

A. Grau (433 Ewing) stated he is concerned about the project. He stated he read the CCC's letter, while also stating the project could destabilize the bluff, causing erosion. He also doesn't like the bright crosswalks. He stated a wall is just one approach and the project is reminiscent of the hotel project.

L. Farrar (433 Ewing) stated her concern with erosion. She stated the City is spending too much money on a short stretch of trail. She stated that the City is putting a band-aid on a problem and should focus on moving the trail to Edwards.

S. Madrone (Greater Trinidad Area Resident) provided a brief background on the current retaining wall, which he designed and built. The wall was built in the mid-1990s, cost the City roughly \$12,000, and has lasted 30 years. The wall is still vertical, due to the engineering technique used, which has significantly reduced what could have been lost. In the early 2000s he was hired to perform repairs, which only cost \$3,000. He stated multiple proposals should be reviewed, as the City could opt for a biotechnical wall (willow and rocks), which creates a small footprint. He stated that even with the wall the slide will continue, but the trail will remain intact. He noted tribal entities oppose the project.

Commissioner Graves responded to Madrone confirming his statement of a micro vs a macro look. Madrone stated that the CCC prefers biology and engineering to be

combined. Commissioner Lake questioned the impact on sand loss. Madrone stated sand would not be impacted by his proposal.

R. Johnson (Greater Trinidad Area Resident) stated he is licensed by the state of California as a professional geologist. He stated that the previous speaker is a non-licensed professional. He stated the area is an active slide and the City has an opportunity to mitigate the problem. He stated that nothing is perfect, but the opportunity to fix it should be seized. He stated he has a background in geological engineering and is licensed certified in the state of California.

S. Madrone (Greater Trinidad Area Resident) in response stated he is a licensed contractor, but due to his current position he does not currently hold a license. He further stated that he does not have a conflict of interest and is only offering advice.

#### *Commissioner Questions/Comments*

Commissioner Johnson would like to see additional alternatives considered and noted that there are more coastal permit requirements that will need to be met. Allen confirmed the geotechnical study will be completed first, which will help determine what the best approach would be.

Johnson stated it is clear there are significant issues that were raised by CCC staff, but from his understanding the City is working in conjunction with them. He questioned if there is a requirement to respond to the CCC. Parker stated that the requirement is the CEQA process and confirmed that she did respond to their concerns, which is included in the MND. She also clarified that many topics of their concern were unrelated to CEQA.

Commissioner Lake requested City Manager Naffah confirm whether the grant funding will need to be paid back if the project is denied. Naffah stated he does not believe it would be, as the City is conducting studies, which produce a product. Graves clarifies the appeal process for the CEQA document.

Written comments received in opposition: K. Tays, Tsurai Ancestral Society, M. Gottschalk and R. Duclos

#### *Commissioners Discussion*

***Motion (Lake/Graves) to deny the Mitigated Negative Declaration based on the lack of any specified project, the lack of project alternatives (including "no project"), and the insufficient data/information to determine whether significant environmental impacts that would result from the Van Wycke Bicycle Connectivity Project.***

Commissioner Johnson states he is against the motion. He stated that if the MND is denied, the City will not gain potentially valuable information from studies conducted. He stated that if the storm drain fails, the City is responsible to pay the costs.

Commissioner Kelly agrees with Johnson. She stated that it seems there is a general agreement in the community that residents want the trail and that safety is a priority. She stated the problem has been the "how." She stated she sees an opportunity for a design review, permit approval, CDP, and more opportunities to talk to the public in the future. She stated the funding will be used for further studies, and through iteration they can become something worthwhile. She stated she does not want to deny the project, without more information. Commissioner Kelly states she is satisfied with the document, but that there are few areas that are not perfect.

Commissioner Lake acknowledges the comments made, but states her comments are in regards to the CEQA document. She is concerned with the mitigation of environmental impacts.

*Ayes – Lake, Graves*

*Nays – Johnson, Stockness, Kelly*

*Motion to deny the adoption of the Mitigated Negative Declaration failed (2-3).*

*Motion (Kelly/Johnson) to adopt the mitigated negative declaration for the Van Wycke Bicycle and Pedestrian Connectivity Project. Resolution No. 1-2019 was read by Commissioner Kelly.*

Commissioner Graves states that he agrees with Johnson in regards to gaining additional information. Graves states that due to this, he is willing to vote in approval. He thinks that it will be a benefit to the community.

*Ayes – Graves, Johnson, Stockness, Kelly*

*Nays – Lake*

*Motion to adopt passed (4-1).*

2. Rheinschmidt 2019-02: Design Review and Coastal Development Permit to construct a new 36-ft x 24 ft., 864 sq. ft., 24-ft tall, detached garage with attic storage area and half bath. The garage was previously approved by the Planning Commission in February 2007, but was never constructed, and the approval has expired. Located at: 15 Berry Road; APN: 515-331-47. *Continued from the May 15, 2019 meeting.*

Commissioner Graves notes that the applicant is not in attendance. Parker confirms that she spoke with the applicant that day. He was not able to attend the meeting and was fine with the hearing being continued.

*Motion (Johnson/Kelly) to continue at the May meeting. Passed unanimously (5-0).*

Commissioner Johnson requested to know if the applicant confirmed if the design is the same. Parker stated the applicant is considering scaling down.

3. Winnett 2019-01: Design Review and Coastal Development Permit to construct a new 24-ft x 15-ft, 360 sq. ft., 16-ft tall, semi-detached area. The garage will be attached to the residence by a 5-ft x 8-ft breezeway. Located at: 586 Hector Street; APN 042-041-017 *This item will be continued to the April 20, 2019 Planning Commission meeting.*

Commissioner Lake disclosed ex parte communication.

#### *Staff Report*

Parker stated that she is not proposing action on the project at this meeting, but instead requesting guidance from the Planning Commission. She explains that Trinidad's zoning ordinances are lacking clarity in a number of areas. Due to this, both staff and the Planning Commission have had to make interpretations on how to apply them to specific situations as they arise. One of these areas is how to regulate garages, which is also an issue with the Rheinschmidt project. While normally variances are not recommended, Parker suggests pursuing a variance in this case, as the City has no other process to allow for exceptions to the ordinance and the findings can potentially be met. However, Parker states her recommendation may change based on the Planning Commission's interpretation of the zoning ordinance.

Parker states that the potential exists for the owners to detach the proposed garage from the existing structures and limit the height to 15ft., from which it could be constructed without planning approval and no setbacks under the interpretation that detached garages are accessory structures. Alternatively, it could remain attached to the shop/shed, but shifted 5 feet north, so it is detached from the primary structure. It would then be approved with Design Review with no setback from the north property line, but it would still have to be limited to 15 ft. in height. She does not recommend a zero lot-line setback, because it can negatively affect the neighbor's property.

#### *Commissioner Questions/Comments*

Commissioner Stockness disclosed that on March 26<sup>th</sup> she visited the site and spoke to the applicant. Commissioner Lake also disclosed ex parte communication.

Commissioner Graves disclosed that he visited the site, but did not partake in any communication.

Commissioner Johnson requested clarification on the ability to move the garage 10 ft. from any other structure. He stated that the applicant does not appear to have room. Parker stated there is currently 5 ft. between the structures, so if the structure is moved 5 ft. to the north there is 10 ft. Commissioner Johnson questioned the status of the existing shed. Parker stated the shed is a detached accessory structure that is not required to meet setbacks. The structure may predate the property lines.

Parker noted that since 1999 the planning commission has regulated garages as residential structures with the same setbacks and height limits. She states that in the SR zone taller garages have been approved, that wouldn't necessarily set precedence for every situation, especially in the UR zone. Lake stated that the City needs standards, not interpretations. Lake states the City should keep garages as accessory structures, and at 15 ft. height limit. Commissioner Kelly stated could support a variance.

#### *Public Comment*

Planning Commissioners asked the applicant various questions in regards to the project. The applicant's responses have been summarized in public comment.

D. Winnett (Applicant) stated that a lot line adjustment to accommodate the shed was approved by the Planning Commission and City Clerk, but it was never recorded with the County. The applicant stated he is requesting guidance from the Commission, as he does not want to negatively affect his neighbors. He stated he has no set timeframe, and that financially it is difficult to remove the shed and he cannot afford to lose the storage space. He confirmed that other than the breezeway, there is no physical connection between the primary structure and shed. Winnett stated he would prefer not to put the structure on the property line in deference to the neighbor, so he would opt for the current configuration.

Commissioner Johnson stated the shop may need to be treated as a non-conforming detached accessory structure. Parker agreed with Johnson's statement; stating that it is another complicating factor. Lake states the best option is to put the garage on the property line. Kelly and Parker discussed the fire safety issues when structures are on property lines. Graves recommends a meeting with Trever, the applicant, and the architect to discuss all options.

***Motion (Johnson/Kelly) to continue the discussion of the Winnett project proposal at the May 15<sup>th</sup> meeting. Passed unanimously (5-0).***



4. CAL FIRE 2019-03: Grading and Coastal Development Permit for installation of approximately 5,400 linear ft. (approximately 600 ft. of which is within City limits) of 1.5 -in. diameter water line from the City of Trinidad to CAL FIRE Trinidad Station. This is an individual water line connection, not a mainline, to provide potable water to the fire station only, consistent with an LCP amendment recently approved by the City and the coastal Commission. Located at: Patrick's Point Dr. right-of-way, from Main St. to the CAL FIRE Trinidad Forest Fire Station, 923 Patrick's Point Dr. *This item will be continued to the May 15, 2019 Planning Commission meeting.*

Parker stated that the City does not have enough information at this time to make the required findings to make a decision. Parker stated that the City has been under the assumption that there is enough water, but considering the hotel proposal the City had to reevaluate. Parker stated this project will only be for the Fire Station, and it is for 1,000 gallons a day with a peak of 2,000 gallons.

Commissioner Kelly stated there is a potential that others will want to tap into it. Parker stated the City can minimize the size of the line, and add conditions for approval.

*Motion (Kelly/Johnson) to discuss the CAL FIRE project at the May meeting. Passed unanimously (5-0).*

## **VI. COUNCIL REPORT**

Commissioner Lake stated that a Planning Commission liaison for the City Council should be selected, as it would be beneficial for information. Parker stated the liaison could provide a written report. Commissioner Graves suggested speaking with Mayor Ladwig about this.

## **VII. STAFF REPORT**

Parker confirmed that she is working on meeting grant requirements and application deadlines. Parker stated the final report for Clean Beaches has been submitted. She confirmed the Stormwater CEQA document has been circulated with staff and will soon be circulated 30 days for public comment. Parker stated that she is working on a water demand assessment, and hazard mitigation plan for a CCC LCP update grant. Parker stated she spoke with City Manager Naffah and confirmed that General Plan elements can be sent to the City Council individually.

### *Commissioner Comments*

Commissioner Lake stated the Planning Commission manual indicates that ex parte communication is to be given at the beginning of the meeting. Commissioner Graves

stated it is beneficial to discuss it prior to the item. Commissioner Johnson stated that the City should consider updating the handbook. Graves stated he put Mayor Ladwig in contact with Nancy Diamond for Brown Act training and is in contact with Access Humboldt.

Lake discussed her written comments; regarding traffic issues on Ocean Ave. Graves stated it is a Council issue. Lake requested a General Plan schedule. Parker stated a schedule was prepared two years ago, but it is now out of date. Parker stated that the schedule for the LCP grant is currently being revised, and she will send that to Commissioners.

#### **VIII. FUTURE AGENDA ITEMS**

Confirm a Planning Commission liaison  
Rheinschmidt 2019-02  
Winnett 2019-01  
CAL FIRE 2019-03

#### **IX. ADJOURNMENT**

Next meeting is May 15<sup>th</sup>. Meeting has been adjourned at 9:08 pm.

**Submitted by:**

Angela Zetter  
Administrative Assistant

**Approved by:**



John Graves  
Planning Commission Chair